

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Cr. No. 21-253 KWR

JEFFREY CANNON,

Defendant.

**ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDATION AND
GRANTING DEFENDANT’S MOTION TO SUPPRESS EVIDENCE**

THIS MATTER is before the Court on Defendant Jeffrey Cannon’s Motion To Suppress Evidence And Memorandum In Support Thereof, filed April 8, 2021 (Doc. 39) and Mr. Cannon’s Motion To Suppress Statements And Memorandum In Support Thereof, filed April 8, 2021 (Doc. 40). The Court referred these motions to United States Magistrate Judge Steven C. Yarbrough for entry of proposed findings and a recommended disposition. Doc. 53.

On June 16, 2021, Judge Yarbrough entered his Proposed Findings and Recommended Disposition (“PFRD”) in which he recommends granting Defendant’s motion to suppress evidence and denying as moot the motion to suppress statements. Doc. 61. Judge Yarbrough notified the parties that they had 14 days from the service of the PFRD to file any objections to the PFRD. *Id.* at 28. The parties have not filed any objections to the PFRD, thereby waiving their right to review of the proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996); *United States v. Torres*, 987 F.3d 893, 899-900 & n.2 (10th Cir. 2021).

On June 23, 2021, the United States Supreme Court issued its decision in *Lange v. California*, 141 S.Ct. 211 (2021), in which it rejected a categorical rule that law enforcement in hot pursuit of a suspect for a misdemeanor crime may follow that suspect into their home without

a warrant. Because neither party filed objections to Judge Yarbrough's PFRD in light of *Lange* or requested to extend the June 30, 2021 deadline to do so, the Court presumes that the parties do not view *Lange* to be in conflict with Judge Yarbrough's PFRD. Similarly, the Court has considered *Lange* and concludes that Judge Yarbrough's PFRD is consistent with *Lange*. The Court thus concurs with Judge Yarbrough's findings and recommendation.

IT IS THEREFORE ORDERED THAT:

1. the Court ADOPTS Judge Yarbrough's Proposed Findings and Recommended Disposition, Doc. 61;
2. Mr. Cannon's Motion To Suppress Evidence And Memorandum In Support Thereof (Doc. 39) is GRANTED;
3. Mr. Cannon's Motion To Suppress Statements And Memorandum In Support Thereof (Doc. 40) is DENIED AS MOOT; and
4. All evidence and statements in this case after the warrantless entry of the Defendant's home are suppressed.

IT IS SO ORDERED.


KEA W. RIGGS
UNITED STATES DISTRICT JUDGE